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JAN 30 2004

OFFICE OF PETITIONS

Attorneys at Law

755 Page Mill Road

Palo Alto, California 94304-1018

Telephone: (650) 813-5600

Facsimile: (650) 494-0792

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JAN 28 2004

OFFICIAL**To:**

NAME:	FACSIMILE:	TELEPHONE:
Mail Stop Petitions U.S.P.T.O.	(703) 872-9306	(703) 305-9282 (ext. 0)

FROM: Christopher B. Eide**DATE:** January 28, 2004

Number of pages with cover page:

13Preparer of this slip has confirmed that facsimile number given is correct: 6719/jaj5**CAUTION - CONFIDENTIAL**

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Comments:

Inventor: David YEE et al.

Application No.: 09/942,976

Filing Date: August 29, 2001

Examiner: Not Yet Assigned

Art Unit: 3746

Title: CONTROL STRATEGY FOR FLEXIBLE CATALYTIC COMBUSTION SYSTEM

Attorney Docket No.: 220772009200

Documents Filed:

- Transmittal Form (1 page)
- Fee Transmittal (original + 1 copy for fee processing (2 pages total))
- Extension of Time Request (1 page)
- Petition to Revive (2 pages)
- Communication Regarding Unintentional Abandonment (2 pages)
- Declaration (2 pages)

Sender's Initials: CBE3/myl1

PA-857177

MORRISON & FOERSTER LLP

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 755 Page Mill Road
 Palo Alto, California 94304-1018
 Telephone: (650) 813-5600
 Facsimile: (650) 494-0792

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OFFICE OF PETITIONS**To:**

NAME:	FACSIMILE:	TELEPHONE:
John Gillon USPTO	(703) 308-6916	(703) 305-9199

FROM: Christopher B. Eide**DATE:** October 8, 2003

Number of pages with cover page:	11	
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PA-829629

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3270
CONNECTION TEL	2009200#17033086916#
SUBADDRESS	
CONNECTION ID	
ST. TIME	10/08 16:27
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RESULT	OK

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OFFICE OF PETITIONS

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DOCKETED *SC*

Documents Filed:

JAN 28 2004

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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

OFFICE OF PETITIONS

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

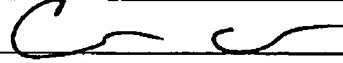
(to be used for all correspondence after initial filing)

		Application Number	09/942,976
		Filing Date	August 29, 2001
		First Named Inventor	David YEE
		Art Unit	3746
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	10	Attorney Docket Number	220772009200

ENCLOSURES (Check all that apply)

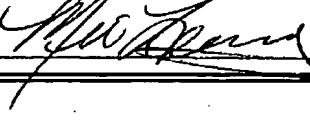
<input checked="" type="checkbox"/> Fee Transmittal Form (original + 1 copy for fee processing (2 pages total))	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition (2 pages)	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request (1 page)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> • Communication Regarding Unintentional Abandonment (2 pages) • Declaration (2 pages) • Facsimile Transmittal
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Christopher B. Eide - 48,375	Customer No. 25226
Signature		
Date	October 8, 2003	

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 308-6916, on the date shown below.

Dated: 10/9/03

Signature:  (Mei Y. Leung)

pa-829468

JAN 30 2004

Use in lieu of PTO/SB/17 (08-03)

Form updated to reflect FY 2004 fees effective 10/1/03

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 6,158.00)

Complete If Known

Application Number	09/942,976
Filing Date	August 29, 2001
First Named Inventor	David YEE
Examiner Name	Not Yet Assigned
Art Unit	3746
Attorney Docket No.	220772009200

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order Other None
 Deposit Account:
Deposit Account Number **03-1952**Deposit Account Name **Morrison & Foerster LLP**

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee	Fee	Fee	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	(S)	Fee Code (\$)	(S)		
1001 770	2001 385		Utility filing fee	770.00		
1002 340	2002 170		Design filing fee			
1003 530	2003 265		Plant filing fee			
1004 770	2004 385		Reissue filing fee			
1005 160	2005 80		Provisional filing fee			
SUBTOTAL (1) (\$)		770.00				

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	74	-20** =	54 x 18 =	972
Independent Claims	14	-3** =	11 x 86 =	946
Multiple Dependent			290 =	0

Large Entity	Small Entity	Fee	Fee	Fee	Fee Description
Fee Code (\$)	Fee Code (\$)	(S)	Fee Code (\$)	(S)	
1202 18	2202 9		Claims in excess of 20		
1201 86	2201 43		Independent claims in excess of 3		
1203 290	2203 145		Multiple dependent claim, if not paid		
1204 66	2204 43		" Reissue independent claims over original patent		
1205 18	2205 9		" Reissue claims in excess of 20 and over original patent		
SUBTOTAL (2) (\$)		1,918.00			

**or number previously paid, if greater. For Reissues, see above

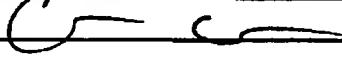
FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee	Fee	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	(S)	Fee Code (\$)	(S)	
1051 130	2051 65		Surcharge - late filing fee or oath	130.00	
1052 50	2052 25		Surcharge - late provisional filing fee or cover sheet		
1053 130	1053 130		Non-English specification		
1812 2,520	1812 2,520		For filing a request for ex parte reexamination		
1804 920*	1804 920*		Requesting publication of SIR prior to Examiner action		
1805 1,840*	1805 1,840*		Requesting publication of SIR after Examiner action		
1251 110	2251 55		Extension for reply within first month		
1252 420	2252 210		Extension for reply within second month		
1263 850	2253 475		Extension for reply within third month		
1264 1,480	2254 740		Extension for reply within fourth month		
1255 2,010	2255 1,005		Extension for reply within fifth month	2,010.00	
1401 330	2401 165		Notice of Appeal		
1402 330	2402 165		Filing a brief in support of an appeal		
1403 280	2403 145		Request for oral hearing		
1451 1,510	1451 1,510		Petition to institute a public use proceeding		
1452 110	2452 65		Petition to revive - unavoidable		
1453 1,330	2453 665		Petition to revive - unintentional	1,330.00	
1501 1,330	2501 665		Utility issue fee (or reissue)		
1502 450	2502 240		Design issue fee		
1503 840	2503 320		Plant issue fee		
1460 130	1460 130		Petitions to the Commissioner		
1807 50	1807 50		Processing fee under 37 CFR 1.17(q)		
1808 180	1808 180		Submission of Information Disclosure Stmt		
8021 40	8021 40		Recording each patent assignment per property (times number of properties)		
1809 770	2809 385		Filing a submission after final rejection (37 CFR 1.129(a))		
1810 770	2810 385		For each additional invention to be examined (37 CFR 1.129(b))		
1801 770	2801 385		Request for Continued Examination (RCE)		
1802 900	1802 900		Request for expedited examination of a design application		
Other fee (specify)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 3,470.00)

(Complete if applicable)					
Name (Print/Type)	Christopher B. Eide	Registration No. (Attorney/Agent)	48,375	Telephone	(650) 813-5720
Signature				Date	October 8, 2003

pa-829508

JAN 28 2004

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JAN 30 2004

Docket No.: 220772009200
(PATENT)

OFFICE OF PETITIONS

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Dated: 10/8/03Signature: Mei Y. Leung (Mei Y. Leung)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David YEE et al.

Application No.: 09/942,976

Confirmation No.: 7671

Filed: August 29, 2001

Art Unit: 3746

For: CONTROL STRATEGY FOR FLEXIBLE
CATALYTIC COMBUSTION SYSTEM

Examiner: Not Yet Assigned

COMMUNICATION REGARDING UNINTENTIONAL ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The abandonment of the above referenced patent application was brought to our attention when an investigation into the surrounding circumstances revealed this case was transferred to the present law firm of Morrison & Foerster on or about October 2, 2001, with an Incomplete Application under Rule 53(b) mailed to Applicants' previous law firm on October 9, 2001. It appears from discussions with Applicant and examination of Applicants' files that the Incomplete Application under Rule 53(b) was not received by the Applicants or Applicants' Attorneys. This notice and lack of response was not discovered by Applicant's present attorneys until October 3, 2003. From October 3, 2003 until filing this petition, Applicants' Attorney has been diligently investigating the circumstances of the abandonment and preparing the response to

PA-829592

Application No.: 09/942,976

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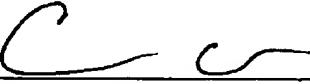
Docket No.: 220772009200

the Notice of Incomplete Application under Rule 53(b). Accordingly, the entire delay of abandonment from December 9, 2001 until present was unintentional.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 220772009200.

Dated: October 8, 2003

Respectfully submitted,

By 
Christopher B. Eide
Registration No.: 48,375
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-5720

pa-829592